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Nixon Gives Hill Access to Studies

By Carroll Kilpatrick and Richard L. Lyons

Washington Post Staff Writers

President Nixon announced yesterday that he will make available to the House and Senate the secret Pentagon study on American involvement in Vietnam and the special study on the Tonkin Gulf incident. The documents would not be made public.

House and Senate leaders promptly began arrangements to receive the documents and the Senate reached tentative agreement to conduct a full-scale public investigation into the documents and related material.

Senate Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.) said a proposal by Senate Democratic Leader Mike Mansfield

(Mont.) for a special investigation by eight members of Foreign Relations and eight members of the Armed Services Committee was tentatively approved.

Before the full-scale public investigation is held in the fall, Fulbright said, his committee will seek \$250,000 for a closed-door investigation of its own into Southeast Asia policy. The study would be valuable preparation for the public investigation, Fulbright said.

The secret documents sent to the Senate will be deposited in the office of the secretary of the Senate, Fulbright said.

They will be available to Foreign Relations Committee members and to staff. Other senators are expected to be allowed to see the papers later.

In the House, Rep. F. Edward Hebert (D-La.), chairman of the Armed Services Committee, said a special office would be made secure to house the papers. He said he would not accept the papers until the Department of Defense pronounces the office secure.

"I want them to tell us it's secure," Hebert said. "I don't want any monkeyshines."

The two sets of documents will presumably come from the eight sets the Pentagon has, two of which were pulled back from the Rand Corp. earlier in the week. No specific date for delivery to the Hill had been set last night.

Under House rules, all members may read the papers because once a document has been received by a committee it becomes the property of the House and open to all members.

Speaker Carl Albert (D-Okla.) indicated, however, that while members may read to their heart's content they not be allowed to copy or take notes on the documents.

After the White House announcement that two copies of the papers would be sent to Congress, Secretary Laird went to the Capitol to work out security measures for storing, handling and protecting the documents.

White House press secretary Ronald L. Ziegler said that Mr. Nixon made his decision regarding the documents over the weekend in Key Biscayne, Fla., and communicated it to Mansfield at a breakfast meeting yesterday.

The President emphasized to Mansfield that the decision to offer the documents to the Congress does not represent any change of policy but merely reflects the special circumstances created by the recent unauthorized disclosures," Ziegler said.

Members of Congress had asked for the 47-volume Pentagon study and for the 1965 special Pentagon report on the Gulf of Tonkin incident.

The latter involved the 1964 attack by North Vietnamese torpedo boats on an American destroyer and led to the congressional resolution which

President Johnson maintained empowered him to take offen-

sive action against North Vietnam.

"President Nixon told Sen. Mansfield that the unauthorized publication of portions of the documents created a situation in which Congress would necessarily be making judgments in the meantime on the

basis of incomplete data which could give a distorted impression of the reports' contents," Ziegler said.

"For that reason the President feels it is only fair to Congress and to persons mentioned in the documents that the full report be made available.

"Since the documents relate primarily to the Johnson and Kennedy periods, President Nixon pointed out that he is not in a position to vouch for their accuracy or completeness."

Ziegler said that the top secret classification will be continued on the documents and that they will be made available to Congress on that basis.

"President Nixon reiterated to Sen. Mansfield that his primary continuing concern has been to protect the secrecy of government documents in cases where disclosure could harm the national security or impair negotiations with other nations," the press secretary said.

Pentagon spokesman Jerry W. Friedheim explained that, as a rule of thumb, it is assumed that once a person is elected to Congress he or she has a top-secret clearance.

The White House announced Tuesday that the President on Jan. 15, 1971, had ordered a review of procedures and policy relating to the classification of documents.

Mansfield told reporters after the breakfast meeting that the President has long been concerned by the overclassification of papers and thinks there is too much classification even in his administration.

Publisher Pleased

In New York, Times publisher Arthur Ochs Sulzberger said that he was "pleased" with the President's action to give the papers to Congress. "The next step should be to release the documents to the American people," Sulzberger said.

Publisher Marshall Field of the Chicago Sun-Times said he felt his paper was "morally justified in showing the people where an arm of the government may have stepped beyond the bounds of our Constitution."

On Capitol Hill, Arthur J. Goldberg, former Supreme Court justice and Secretary of Labor, proposed that a special joint congressional committee conduct an investigation of "the causes and conduct" of the Indochina war. He said the "present impasse" between the executive branch and newspapers that have published portions of the Pentagon papers makes such a study "imperative" to preserve public trust in the candor and competency of our officials."

Goldberg was the leadoff

witness at a series of hearings by the house subcommittee on foreign operations and government information into whether the need of the public and Congress to obtain information from the executive branch is being thwarted.

Goldberg also proposed that Congress pass legislation defining what sort of documents could be classified as secret by the administration and thus kept from public view.

He conceded there was need to preserve national security secrets, but he said the executive branch should not be permitted to use the classification stamp to hide mistakes and prevent political embarrassment. An independent review board should be set up decide whether documents have been properly classified, he said.

Goldberg said it would have been far better for everyone if the executive branch had submitted the Pentagon papers, minus security material, to Congress when it was prepared. He said it made no sense to him that even though much of the contents of the papers had been published by newspapers, Congress still could not get copies of the report.

A few minutes later, Rep. Ogden Reid (R-N.Y.) announced that President Nixon was sending both the House and Senate a copy of the 47-volume Pentagon study.

Reid and Rep. John E. Moss (D-Calif.), former chairman of the subcommittee, filed suit in U.S. District Court here yesterday morning asking that Secretary of Defense Melvin R. Laird be ordered to give them copies of the papers for their use. They said they were entitled to the papers under the Freedom of Information Act of 1966, of which the two were principal sponsors. No court action was taken on the suit yesterday.

Moss and Reid said they would press the suit, despite the President's action in sending Congress two copies, because they want full access to them.

Protest by Moss

Moss protested the decision that the papers would be referred to the House Armed Services Committee, where members could read but not copy them. He moved that the subcommittee ask that Speaker Albert be requested to send the copy to the Government Information subcommittee, or at least give the subcommittee full access to it, because it had already begun an investigation of the general subject.

The subcommittee deferred action on Moss' motion until today by a vote of 5 to 4 on the ground that it should clear

such action first with the full committee's chairman, Rep. Chet Holifield (D-Calif.). Rep. William Moorhead (D-Pa.), the subcommittee chairman, talked with Holifield later and said Holifield considered it proper that the papers go to the Armed Services Committee.

There were these other developments in connection with the Pentagon papers:

- Sen. Barry Goldwater (R-Ariz.) said in an article in the Christian Science Monitor that the New York Times "showed a shocking lack of responsibility" in printing parts of the Pentagon study.

The Times reports said that in 1964 when Goldwater, the Republican nominee for President, was being labeled a war-monger by Democrats, the Democratic administration was making plans to bomb North Vietnam. But Goldwater insisted in the Monitor article that documents labeled secret should not be published. He said publication did "damage to the office of President of the United States."

- Radio Havana said publication of the Pentagon study has revealed the "great lie" of America's involvement in Indochina.

- Dr. Edward Teller, nuclear scientist who played a leading role in developing the hydrogen bomb, said in Berkeley, Calif., that publication of the papers has raised serious questions of press responsibility but also may demonstrate "the advantages of greater government openness."

- Sen. Hubert H. Humphrey (D-Minn.) said he will propose legislation establishing a permanent joint congressional committee on national security to deal with classification. He said such a group would be the ideal one to review the disputed Pentagon papers.

- Sen. Sam. J. Ervin (D-

N.C.) said that the Senate Judiciary subcommittee he chairs will investigate the power of the President.

- Senate Minority Leader Hugh Scott (R-Pa.) and Senate Minority Whip Robert P. Griffin (R-Mich.) urged that the Senate's investigation be under the auspices jointly of Foreign Relations and Armed Services.

They were said to believe that a better balance would thus be obtained, since the Foreign Relations Committee has been a leading war critic while Armed Services generally has supported Johnson and Nixon administration policies.

- Fulbright said that the basic function of the study to be undertaken by his committee alone will center not on the failures in judgment of individuals but "the failure of our constitutional system to function properly."

- Sen. Edmund S. Muskie (D-Maine) said release of the Vietnam documents to Congress was a "welcome step" but added that "full disclosure of the contents . . . is essential . . . to protect the public's right to know."

WHITE HOUSE ASKS WHO SEES SECRETS

Calls for Names of All Those With Authority to Handle Classified Documents

By JOHN HERBERS

Special to The New York Times

SAN CLEMENTE, Calif., July 7—The White House said today that it had ordered the compilation of a list of all persons who have authority to see top-secret documents.

Gerald L. Warren, assistant White House press secretary, said in response to questions that a confidential memorandum signed by Brig. Gen. Alexander M. Haig Jr., Deputy Assistant to the President for National Security, had gone to departments and agencies directing them to compile lists of those having top-secret clearance.

Mr. Warren said the memorandum, issued June 30, was part of a review of the process of classification and declassification ordered by President Nixon on Jan. 15.

He was vague about the details of the memorandum, whose existence was disclosed today in The Washington Post. But other officials said it was part of an Administration effort to reduce the number of security clearances both in and out of Government.

Pentagon Is Complying

In Washington, a spokesman said that the Department of Defense was compiling its list. The spokesman said Secretary of Defense Melvin R. Laird had ordered the step about three days ago.

The memorandum set this coming Sunday as a deadline for compilation of the lists, but it was considered doubtful that the departments could comply that quickly. Because of unclear regulations about security clearances, there was some doubt about the ability of the agencies to compile comprehensive lists at all.

There were indications that no one in the Government knows how many persons have security clearance and that Mr. Nixon is trying to put the entire disputed matter of classified documents under central control for the first time.

Various laws and regulations

apply in departments and agencies dealing with sensitive matters. Estimates of the number of those with some authority to see top-secret documents run as high as many thousands.

Members of the armed forces, the Central Intelligence Agency, the White House, the State Department, the Justice Department, defense contractors and consultants are heavily involved in security matters.

About the time the White House memorandum was drafted, Mr. Laird ordered tightened security at the Rand Corporation in Santa Monica, Calif., which conducts defense research on a contract basis.

Daniel Ellsberg, a former Rand employee and Pentagon official, is under indictment for alleged misuse of top-secret documents and has said publicly he passed copies of a study of the Vietnam war to newspapers.

Documents published by The New York Times and other papers carried top-secret classification.

Asks 'Immediate Reductions'

The Haig memorandum says in part that "each responsible department and agency" must initiate at once "a review and screening of each top-secret and compartmented clearance presently held by individuals with a view to effecting immediate reductions of all clearances which cannot be demonstrated to meet the requirement of strict need to know."

Mr. Nixon arrived at the summer White House here last night for a two-week stay, accompanied by Secretary of State William P. Rogers; the director of Central Intelligence, Richard Helms; General Haig and other officials. He conferred at length with Mr. Helms about the latter's recent trip to the Middle East.

The Pentagon spokesman, Brig. Gen. Daniel James Jr., said that as of April, 1971 803 in the defense establishment had authority to classify material as top secret. But the department was unable to say how many had access to top-secret material.

The list of 803 began with the Secretary of Defense and went through 12 categories of descending rank.

The last category was: "commanders and deputy or vice commanders and chiefs of staff of major field and fleet commands, forces or activities, as designated by the chiefs of the military services or the commanders of the unified and specified commands concerned."

On Capitol Hill, William B. Macomber Jr., deputy Under Secretary of State for Administration, told a House Government Operations subcommittee that the State Department now classified as secret 200,000 documents a year. He said the average over the last 20 years had been about 100,000 a year.

Mr. Macomber conceded, under questioning, that too many documents were classified, and remained classified for excessive periods.

Asked if the State Department had requested that the Justice Department seek injunctions against The New York Times and other newspapers to halt publication of the Pentagon study, Mr. Macomber said it had not. But said that the State Department concurred with the Justice Department because of "deep concern" over disclosure of some of the material.

Asked if a substantial portion of the Pentagon study could be declassified without harming national security, he replied: "Some of it."

He said that only about 10 to 15 per cent of the material in the 47-volume study should remain classified on the ground of national security.